

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMELINE ALCE and DESIRÉ NUGENT, :
on behalf of themselves and others similarly :
situated, : Index No. 1:17-cv-02402 (NRB)
: Plaintiffs, :
: :
-against- :
: :
WISE FOODS, INC., :
: :
Defendant. :
----- x

DEFENDANT WISE FOODS INC.'S MOTION TO DISMISS

Defendant Wise Foods, Inc. ("Wise"), by and through undersigned counsel and pursuant to Rule 12(b)(1) and (6) of the Federal Rules of Civil Procedure, hereby move this Court for an Order dismissing all claims in Plaintiffs' First Amended Complaint for the reasons set forth in Wise's memorandum of law in support of this motion to dismiss, which is being filed contemporaneously herewith and incorporated herein by reference.

Dated: New York, New York
August 14, 2017

Respectfully submitted,
EVERSHEDS SUTHERLAND (US) LLP

By: /s/ Meghana Shah
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Attorneys for Defendant Wise Foods, Inc.

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of **Defendant Wise Foods, Inc.'s Motion to Dismiss** have been served this day on all counsel of record via the Court's electronic filing system.

Dated: New York, New York
August 14, 2017

By: /s/ Melissa Conrad-Alam
Melissa Conrad-Alam